

MORIHARA LAU & FONG LLP

A LIMITED LIABILITY LAW PARTNERSHIP

December 22, 2008

FILED
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PUBLIC UTILITIES
COMMISSION

The Honorable Chairman and Members of the
Hawaii Public Utilities Commission
465 South King Street
Kekuanaoa Building, Room 103
Honolulu, HI 96813
Attention: Stacey Kawasaki Djou, Esq.

Re: Docket No. 2008-0273 - In the Matter of Public Utilities Commission Instituting a
Proceeding to Investigate the Implementation of Feed-In Tariffs:
Hawaii BioEnergy, LLC's ("HBE") and Maui Land and Pineapple Company, Inc.'s
("MLP") Proposed Stipulated Regulatory Schedule (Exhibit A)

Dear Commissioners and Commission Staff:

Upon review of the latest revised draft Stipulated Procedural Order routed to the parties in this proceeding on December 19, 2008 by Hawaiian Electric Company, Inc. Maui Electric Company, Limited and Hawaii Electric Light Company, Inc. (collectively, "HECO Companies"), HBE and MLP do not object to the HECO Companies' proposed Stipulated Procedural Order¹ to be submitted to the Commission today, with the exception of their proposed Stipulated Regulatory Schedule attached to said Stipulated Procedural Order as Exhibit A. Because of the complexities of the issues to be addressed in this proceeding and the number of parties participating in this proceeding that have either different or unique interests, HBE and MLP believe that the HECO Companies' proposed Stipulated Regulatory Schedule is too compressed and will not provide HBE, MLP and the other parties with sufficient time to fully review, analyze and address the issues in this proceeding, to sufficiently develop and support their respective positions on these issues, and to then assist the Commission in developing a sound record and rendering decisions that are reasonable and in the public interest.

Accordingly, In lieu of the HECO Companies' proposed Stipulated Regulatory Schedule, HBE and MLP respectfully request that the Commission approve and adopt their Proposed

¹ We appreciate the HECO Companies' time and efforts in attempting to address all of the parties' concerns and issues in their draft Stipulated Procedural Order. In particular, with respect to the issues set forth in the HECO Companies' proposed Stipulated Procedural Order, we understand that the HECO Companies incorporated all of HBE's and MLP's proposed changes, with the exception of Issue No. 9, which we understand will read as follows in the HECO Companies' proposed Stipulated Procedural Order: "What should be the terms, conditions, interconnection requirements, procedures and duration of the feed-in tariff that should be available to qualifying renewable providers?" During informal discussions with the parties, HBE and MLP proposed the following alternative language for Issue No. 9: "What should be the terms and conditions, including duration, of the feed-in tariff that should apply to the utility and to the qualifying renewable providers?" HBE and MLP believe that a reference to the utilities should be included as part of Issue No. 9 to ensure that the terms and conditions are also applicable to the utility. However, after further discussions, we understand that the HECO Companies believe that their Issue No. 9, as proposed in their filing, is broad enough to imply that the term and conditions adopted in their feed-in-tariff would also be applicable to the utility.

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Stipulated Regulatory Schedule (clean and black-lined) attached hereto. The black-lined version reflects the changes made to certain dates or deadlines set forth in the HECO Companies' proposed Stipulated Regulatory Schedule. In sum, HBE's and MLP's Proposed Stipulated Regulatory Schedule extends the dates by approximately one month to hopefully provide sufficient time for the review and analysis by the parties of the HECO Companies' and Consumer Advocate's proposals, perform discovery (i.e., information requests), to sufficiently develop and support their respective positions, and to then allow the Commission sufficient time to deliberate and render a timely decision. We believe this is consistent with other similar procedural orders and will promote the efficient and cost-effective allocation of resources of all parties involved. Because both the Commission and many of the other parties in this proceeding (including HBE and MLP) were non-signatories to the October 20, 2008 Energy Agreement entered into between the Governor, Department of Business Economic Development and Tourism, the Consumer Advocate and the HECO Companies, HBE and MLP contend that the Commission should not be required to adhere to the deadlines set forth in said Energy Agreement, and should consider the interests of the parties that were not part of the Energy Agreement in establishing the schedule for this proceeding.

If you should have any questions, please do not hesitate to contact the undersigned.
Thank you for your assistance in this matter.

Very truly yours,



Kent D. Morihara
Kris N. Nakagawa
Sandra L. Wilhilde

Morihara Lau & Fong LLP
Attorneys for Hawaii BioEnergy, LLC and
Maui Land & Pineapple Company, Inc.

Enclosures

c w/encl: Service List

EXHIBIT A
(Blacklined)

EXHIBIT A

Stipulated Regulatory Schedule Proceeding to Investigate the Implementation of Feed-In Tariffs Docket No. 2008-0273

	PROCEDURAL STEPS	DEADLINE
1.	HECO Companies and Consumer Advocate Filing to Describe Proposal on Key Feed-In Tariff Design Issues, Policies and Pricing Methodologies	December 23, 2008
2.	Parties' Comments on Commission Scoping Paper	December 31, 2008
3.	Respond to Commission Scoping Paper Appendix C Legal Questions	January 12, 2009
4.	HECO Companies and Consumer Advocate File Straw Tariff Sheets and Methodologies	January 21 4, 2009
5.	Parties' Informal Questions to be addressed at Technical Meeting	January 26 4, 2009 <u>From 2 days to 4</u>
6.	Technical Meeting to Explain Tariff Sheets and Respond to Questions from parties	January 29 0, 2009 <u>Hold on 29 to allow to continue on 30 if needed</u>
7.	Respond to Commission Scoping Paper Appendices A and C (Non-Legal Questions)	February 2 January 26 , 2009 <u>Push this out one week to allow for better responses</u>
8.	Parties' Comments on Straw Tariff Sheets and/or Simultaneous Distribution of Alternative Straw Tariff Sheets	January 30 March 10, 2009
9.	Simultaneous Information Requests by the Parties (limited to 5 questions to each party with no subparts)	February 6 March 17, 2009
10.	Settlement Discussions	February 13 April 3, 2009

	PROCEDURAL STEPS	DEADLINE
11.	Simultaneous Response to Information Requests	February 27 <u>March 31</u> , 2009 <u>Note, put responses BEFORE the settlement conference</u>
12.	Filing of Settlement Agreement or Simultaneous Statements of Position	April 17 <u>March 13</u> , 2009
13.	Commission Completion of Deliberations and Decision	March 31 <u>May 5</u> , 2009
14.	HECO Companies and Consumer Advocate Request that the Commission Adopt a Set of Feed-In Tariffs and Prices that Implement the Commission's Decision	April 24 <u>May 26</u> , 2009
15.	Technical Workshop on Tariff Sheets (to explain and clarify Tariff sheets to Parties)	May 8 <u>June 9 & 10</u> , 2009
16.	Parties' Comments on HECO Companies and Consumer Advocate Request that the Commission Adopt a Set of Feed-In Tariffs and Prices that Implement the Commission's Decision	May 29 <u>July 3</u> , 2009
17.	HECO Companies and Consumer Advocate Reply Comments	July 6 <u>August 6</u> , 2009
18.	Commission Adoption of Feed-In Tariffs and Prices that Implement the Commission's Decision	July 31 <u>August 31</u> , 2009

EXHIBIT A
(Clean)

EXHIBIT A

**Stipulated Regulatory Schedule
Proceeding to Investigate the Implementation of Feed-In Tariffs
Docket No. 2008-0273**

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5.	Parties' Informal Questions to be addressed at Technical Meeting	January 26, 2009 From 2 days to 4
6.	Technical Meeting to Explain Tariff Sheets and Respond to Questions from parties	January 29, 2009 Hold on 29 to allow to continue on 30 if needed
7.	Respond to Commission Scoping Paper Appendices A and C (Non-Legal Questions)	February 2, 2009 Push this out one week to allow for better responses
8.	Parties' Comments on Straw Tariff Sheets and/or Simultaneous Distribution of Alternative Straw Tariff Sheets	March 10, 2009
9.	Simultaneous Information Requests by the Parties (limited to 5 questions to each party with no subparts)	March 17, 2009
10.	Settlement Discussions	April 3, 2009

	PROCEDURAL STEPS	DEADLINE
11.	Simultaneous Response to Information Requests	March 31, 2009 Note, put responses BEFORE the settlement conference
12.	Filing of Settlement Agreement or Simultaneous Statements of Position	April 17, 2009
13.	Commission Completion of Deliberations and Decision	May 5, 2009
14.	HECO Companies and Consumer Advocate Request that the Commission Adopt a Set of Feed-In Tariffs and Prices that Implement the Commission's Decision	May 26, 2009
15.	Technical Workshop on Tariff Sheets (to explain and clarify Tariff sheets to Parties)	June 9 & 10, 2009
16.	Parties' Comments on HECO Companies and Consumer Advocate Request that the Commission Adopt a Set of Feed-In Tariffs and Prices that Implement the Commission's Decision	July 3, 2009
17.	HECO Companies and Consumer Advocate Reply Comments	August 6, 2009
18.	Commission Adoption of Feed-In Tariffs and Prices that Implement the Commission's Decision	August 31, 2009

SERVICE LIST (Docket No. 2008-0273)

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